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considered, though neither is mentioned in the pleadings, and this case is followed in the later one of *Pipes v. Missouri-Pacific R'y*, (Mo. 1916), 184 S. W. 79. Therefore it would seem that the state act will apply to all injuries received in the state except those occurring on railroads engaged in interstate commerce, and even in that case the state law has an important bearing on the procedure in the trial.

WORKMEN'S COMPENSATION—INJURIES "ARISING OUT OF" EMPLOYMENT.—Applicant was a boy employed by respondents, a firm of builders, who, in the course of his employment, had to ride a bicycle belonging to his employers through the streets of London for materials on an average of once a day. Being injured by a motor bus on one of these trips, he claimed compensation under the Workman's Compensation Act of 1906. *Held*, no recovery, as the injury did not "arise out of" the employment. *Dennis v. A. J. White Co.* [1916], 2 K. B. 1.

Practically all courts agree that the phrases "arising out of" and "in the course of" the employment are not meant to be synonymous, but they disagree in their interpretations. The English courts, as in the principal case, agree now that to "arise out of" the employment the injury must result from a *special* danger or risk, and not such as the public in general assume every day, such as bicycle-riding in the city thoroughfares, even though at the employer's command, and on his business. In this country the courts are divided, Michigan holding, with the minority, to the strict English rule. *Hopkins v. Michigan Sugar Co.*, 184 Mich. 87; 150 N. W. 325. Minnesota and New Jersey, on the other hand, together with Massachusetts, agree that the phrases are not synonymous, but hold that the injury "arises out of" the employment if the accident causing the injury arises out of work or business being done for the master, either by direct or implied authority. *State, ex rel Duluth Brewing Co. v. District Court*, 129 Minnesota, 176, 151 N. W. 912; *In re Sundine*, 218 Massachusetts, 1, 105 N. E. 433; *Hulley v. Moosbrugger*, 88 N. J. L. 161, 93 Atl. 79. In the last case the New Jersey court allowed compensation where the deceased was killed in the course of his employment by dodging a playful attack of a fellow employee. In the Washington statute this difficulty is partly obviated by providing for compensation only in case of injury while engaged in an "extra-hazardous" occupation, which, however, leaves a great discretion still to the court.